

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | <u>THIRD FINAL ORDER OF</u> |
| | : | <u>FORFEITURE AS TO SPECIFIC</u> |
| -v.- | : | <u>PROPERTY</u> |
| | : | |
| SCOTT TUCKER, | : | S1 16 Cr. 091 (PKC) |
| | : | |
| Defendant. | : | |
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WHEREAS, on or about April 17, 2018, the Court entered a Amended Preliminary Order of Forfeiture as to Specific Properties/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 344), which ordered the forfeiture to the United States of, *inter alia*, all right, title and interest of SCOTT TUCKER (the “Defendant”) in the real property located at 2405 W. 114th Street, Leawood, KS 66211, with all improvements, appurtenances, and attachments thereon (the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on April 24, 2018, for thirty (30) consecutive days, through May 23, 2018, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on February 20, 2019 (D.E. 374);

WHEREAS, on or about May 1, 2018, notice of the Preliminary Order of Forfeiture was sent by Federal Express to the following parties:

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(the “Noticed Parties”);

WHEREAS, on or about June 11, 2018, the Court entered an Order that stayed execution of the forfeiture of the Specific Property, pending the outcome of the Defendant’s appeal of his judgment and conviction. (D.E. 358);

WHEREAS, on or about March 26, 2019 Kim Tucker (the “Petitioner”) filed a petition asserting an interest in, *inter alia*, \$100,000 in the value of the Specific Property (D.E. 388);

WHEREAS, on or about January 24, 2020, the Petitioner filed an Amended Petition asserting, *inter alia*, a 50% interest in the Specific Property (D.E. 424);

WHEREAS, on or about March 3, 2020, the Government filed a motion to dismiss the Petitioner’s claims with respect to the Specific Property as untimely, or alternatively, grant summary judgment in favor of the Government (the “Motion”) (D.E. 433);

WHEREAS, on or about June 2, 2020, the Court of Appeals for the Second Circuit affirmed Scott Tucker’s judgment and conviction;

WHEREAS, on or about October 22, 2020, the Mandate issued by Court of Appeals for the Second Circuit was entered by United States District Court for the Southern District of New York (D.E. 440);

WHEREAS, on or about November 24, 2020 the Court entered its Opinion and Order dismissing the Petitioner's claims as untimely and granting the Motion in favor of the Government (D.E. 441);

WHEREAS, on or about February 22, 2021, the U.S. Supreme Court denied Scott Tucker's petition for a writ of certiorari. (U.S. Sup. Ct. Dkt. No. 20-6936.)

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims, other than Petitioner, to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant and the Noticed parties are the only persons and/or entities known by the Government to have a potential interest the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited Specific Property following the Court's disposition of any filed claim or if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title, and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7), the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United Department of Treasury (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

4. The Clerk of the Court shall forward four certified copies of this Third Final Order of Forfeiture as to Specific Property to Assistant United States Attorney Alexander Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
April 7, 2021

SO ORDERED:



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK